Another Jail Death, and Mounting Questions

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He lived 42 of his 48 years in the United States, and had the words “Raised American” tattooed on his shoulder. But Guido R. Newbrough was born German, and he died in November as animmigration detainee of a Virginia jail, his heart devastated by an overwhelming bacterial infection.

Suzanne DeChillo/The New York Times

Jack Newbrough and his wife, Heidi, with a photo of his stepson, Guido, who died of an untreated infection while in detention.

His family and fellow detainees say the infection went untreated, despite his mounting pleas for medical care in the 10 days before his death. Instead, after his calls for help grew insistent, detainees said, guards at the Piedmont Regional Jail in Farmville, Va., threw him to the floor, dragged him away as he cried out in pain, and locked him in an isolation cell.

Mr. Newbrough, a construction worker who had served jail time for molesting a girlfriend’s young daughter, was found unresponsive in the cell several days later, on Nov. 27, and died at a hospital the next day without regaining consciousness. An autopsy report last week cited a virulent staph infection as an underlying cause of his death from endocarditis, an infection of the heart valves that is typically cured with antibiotics.

Accounts of Mr. Newbrough’s last days echo other cases of deaths in immigration custody, including one at the same jail in December 2006, which prompted a review by immigration

officials that found the medical unit so lacking that they concluded, “Detainee health care is in jeopardy.”

Guido Newbrough, who lived in the United States for 42 years, died as an immigrant detainee.

But Immigration and Customs Enforcement never released those findings, even when asked about allegations of neglect in that death, of Abdoulai Sall, 50, a Guinea-born mechanic with no criminal record whose kidneys failed over several weeks. Instead, officials defended care in that case and other deaths as Congress and the news media questioned medical practices in the patchwork of county jails, private prisons and federal detention centers under contract to hold noncitizens while the government tries to deport them.

The 2006 report — and a set of talking points the agency produced for its press officers to use when discussing deaths in detention — were only recently obtained by theAmerican Civil Liberties Union through a lawsuit under the Freedom of Information Act; the group provided copies to The New York Times, which first reported Mr. Sall’s death.

“This facility has failed on multiple levels to perform basic supervision and provide for the safety and welfare of ICE detainees,” the six-page report concluded shortly after he died. “The medical health care unit does not meet minimum ICE standards.”

The report said the jail had failed to respond adequately as Mr. Sall grew sicker, and that even when he was found unconscious on the floor, employees “stood around for approximately one minute” before trying to revive him. The jail’s superintendent, who said he never saw the report, adamantly denied those conclusions this week.

But Tom Jawetz, a lawyer with the civil liberties union's National Prison Project, said the new death at the same jail underscored the lack of accountability in immigrationdetention nationwide.

"Piedmont is a facility that was understaffed and underresponsive to clear medical needs," Mr. Jawetz said. "The reports of Mr. Newbrough's death raise serious questions about whether those failures were ever remedied."

Asked Monday what measures it had taken after Mr. Sall's death, the immigration agency promised a response but did not provide one. Kelly A. Nantel, a spokeswoman, said earlier that an investigation of Mr. Newbrough's death was under way.

The 780-bed Piedmont jail, run by governments of six Virginia counties, typically houses about 300 immigration detainees, and is now down to fewer than 150. But Ms. Nantel denied rumors that the agency was pulling them out, as it did last month at a detention center in Central Falls, R.I., where a Chinese computer engineer's extensive cancer and fractured spine went undiagnosed until shortly before his death on Aug. 6.

In that case, investigators for the federal immigration agency found that the engineer, Hiu Lui Ng, had been denied proper medical treatment, and dragged from his cell to a van as he screamed in pain six days before his death.

The parallels with detainee accounts of Mr. Newbrough's treatment are striking to Jeff Winder, an organizer for the grass-roots Virginia group People United, who was contacted by several inmates at Piedmont who also spoke to a reporter. The latest death has heightened the group's opposition to plans by private developers and city officials to build another immigration detention center in Farmville, with 1,000 to 2,500 beds.

"ICE has no obligation to send detainees there after the next detainee dies," Mr. Winder said. "Farmville could be left with the reputation as a place where detainees die of medical neglect."

Ernest L. Toney, the jail superintendent, denied accounts that Mr. Newbrough had been mistreated, saying, "That is not our protocol here." He referred all other questions about his death to the federal immigration agency.

But Dr. Homer D. Venters, an expert in detention health care who learned about the case from Mr. Newbrough's family and reviewed the autopsy, said available evidence showed violations of detention standards that let the detainee's treatable local infections rage out of control. Dr. Venters, a public health fellow at New York University, was critical of the medical care in immigration detention when he testified last year at a Congressional subcommittee hearing, and is on an Immigration and Customs Enforcement advisory group.

"First, Mr. Newbrough's medical complaints were apparently ignored," he wrote in a preliminary analysis of the case for Mr. Newbrough's parents. "Second, Mr. Newbrough was placed in a disciplinary setting while ill and despite having voiced medical complaints. Third, Mr. Newbrough was not adequately (if at all) medically monitored" in the isolation cell.

During those last days, Dr. Venters added in an interview, even guards should have noticed that Mr. Newbrough was in critical condition as the bacteria colonizing his heart broke loose, creating abscesses in his brain, liver and kidneys. "When endocarditis is not treated, it kills people," he said. With modern hospital care, the death rate is 25 percent or less.

"We were sitting here, powerless," said Mr. Newbrough's stepfather, Jack Newbrough, 70, a former Air Force sergeant who met Guido's mother, Heidi, and Guido, then 2, when he was stationed in their native Germany. "I am just so disappointed in my country, this homeland security system they got set up."

Mrs. Newbrough, 65, said her son, who had an estranged wife and three American-born children, had quit drinking after serving 11 months for molestation and, on probation, moved back to his childhood home in Manassas, Va., from a trailer park in Stafford. A 1999 article about life in the park, in the first issue of Tina Brown's Talk magazine, featured him prominently — under the rubric "Dialing America."

"Nobody knew he wasn't American," his mother said. "Even he didn't know. He found out the day they picked him up here."

His arrest last February, immigration records show, was a result of Operation Coldplay, which combs probation records to find past sex offenders whose immigration status makes them deportable. Mr. Newbrough had taken what is known as an Alford plea to charges of "indecent liberties with a minor," and aggravated sexual battery in 2002 — denying his guilt,

but acknowledging that prosecutors had evidence that could cause a jury to convict him of molesting his girlfriend's 4-year-old.

Mr. Newbrough, who spoke no German, would have automatically become a citizen if his American-born stepfather had formally adopted him when he was a child, or if his mother had been naturalized while he was a minor, rather than just four years ago.

While Mr. Newbrough waited at Piedmont for nine months, an immigration lawyer argued that he had derived citizenship from his stepfather. An immigration judge disagreed. The appeal was pending in mid-November when Mr. Newbrough began to complain in phone calls of terrible back pain and stomach aches, his family said. When they urged him to tell the medical staff, they said, he replied: " 'I did. They just don't care.' "

Several detainees interviewed by telephone last week said that in the two weeks before Thanksgiving, Mr. Newbrough's back pain grew so bad that he began sobbing through the night, and some in the 90-man unit took turns making him hot compresses. By the Sunday before Thanksgiving, he was desperate, two detainees said, and banged at the door of the unit's lunchroom, yelling for help. They said by the time guards responded, he was seated at a table.

"They told him to get up, and he said he couldn't get up because he was in a lot of pain," said Salvador Alberto Rivas, who identified himself as Mr. Newbrough's bunk mate, awaiting deportation to El Salvador. "Because of the pain, he started crying, and he was trying to tell them he had put in requests for medical and didn't get any. And then one of the guards threw him to the floor."

"They drag him by his leg, in front of about 30 people," said another detainee, who gave his name only as Jose for fear of retaliation, adding that many witnesses had since been transferred to other jails or deported.

"We didn't know that he was dying," added Jose, who wrote about the case in a letter published online by a Spanish weekly. "They took him to the hole. He was yelling for help in the hole, too."

That information, he said, came from a detainee in the isolation section at the same time, but since deported, who was so upset by Mr. Newbrough's death that he left his name and

alien registration number — Rene Cordoba Palma, No. 088424581 — in case anyone wanted his testimony.